

RACE FOR EQUALITY

Challenging racism in the *NHS*

Bullying and harassment and race – a briefing for reps

In UNISON equality comes from the heart. For us challenging discrimination and winning equality are fundamental to everything we do. As the UK's biggest health union we understand that from its birth the NHS has called on staff from across the world to come and work in it. And to this day the NHS relies heavily on Black staff whether they are British, or have moved here to work. The NHS is there to serve everyone in every community with respect, dignity and fairness. And those are values that should apply to everyone employed in it too.

In 2019, the Chief People Officer for the NHS in England noted that:

“Black and minority ethnic (BME) staff constitute almost a fifth of the total NHS workforce, yet the experiences they often face do not correspond with the values upon which the NHS proudly stands. It cannot be right that some of our hardworking staff are still more likely than their colleagues to face unfair treatment and discrimination in the workplace.”¹

Definitions

UNISON has defined workplace bullying as persistent offensive, intimidating, humiliating behaviour, which attempts to undermine an individual or group of employees. Harassment is defined in the Equality Act 2010 as:

“unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.”

Bullying could be a form of harassment. However it is not possible to make a direct complaint to an employment tribunal about bullying if it is not related to a protected characteristic. Race is a protected characteristic.

What the data tells us

The latest Workforce Race Equality Standard (WRES) report notes the following:

- The percentage of BME² staff experiencing harassment, bullying or abuse from patients, relatives or the public in last 12 months was at 29% in 2016 but was recorded at 30% in the most recent report (It is worth noting that the rate for white staff is much lower at 28%)
- 28% of Black staff experienced harassment, bullying or abuse from staff in last 12 months, compared with 24% of white staff. For all trust types a higher percentage of BME staff experienced harassment, bullying or abuse from staff in the last 12 months compared to white staff. London as a region had the highest levels of harassment, bullying or abuse from staff

Although WRES data relates to England, there is no reason to believe that the picture would be any different in the other UK nations.

Actions for branches

Finding out

- What methods does your employer have for reporting and recording cases of bullying and harassment? Make sure this includes bullying and harassment by patients, their families and other third parties, such as contractors. And make sure it captures whether there is a link to race or other protected characteristic.
- If you work in a trust in **England** check out the WRES data:
 - To check data on bullying and harassment from patients and relatives (indicator 5) and bullying and harassment from other staff (indicator 6) go to <https://www.nhsstaffsurveyresults.com/homepage/local-results-2020/workforce-equality-standards-wres-2020/> and select your employer in “select your organisation” then select indicator 5 and then 6. This will allow you to compare data over the last two years
- If you work for other types of employer or in **Scotland, Cymru/Wales** or **Northern Ireland** ask your employer to supply data on bullying and harassment broken down by racial/ethnic group. Ask for the data over the last three years so that you can see if there are any trends.
- Make sure all branch representatives have been trained to deal with bullying and harassment cases.

¹ <https://www.england.nhs.uk/wp-content/uploads/2019/07/closing-the-ethnicity-gap.pdf>

² WRES data uses the term Black and Minority Ethnic (BME). UNISON uses the broad political and inclusive term Black

- Identify if there are ‘hot spots’ – wards, departments etc where there are more cases (reported and unreported) of racism.
- Could specific cases be taken further, for example reported to the police as race hate crimes, could a civil injunction be sought or could the case be taken to an employment tribunal? It is important to note that there could be time limits for these types of complaint so it is important to act quickly when a member seeks advice in relation to bullying and harassment. Further guidance is available in UNISON’s [Harassment at work guide](#).
- Ensure you are familiar with UNISON’s [Race Discrimination Claims Protocol](#) which is there to ensure that branches and regions work together to guarantee that possible race discrimination claims are robustly assessed and members receive the right kind of support.
- Think about how well prepared you are as a branch to deal with situations where one of your members engages in racist behaviour. Know where to get advice about the union’s rules and how they apply to all members.

Give members a voice

- Set up focus groups for Black workers to discuss their experiences in more depth to bring out the stories behind the data. In England, discuss the employer’s WRES action plan and get views about where there are gaps that need to be addressed.
- You could also run a confidential survey, or set up a mailbox where people can make anonymous reports.
- Ask that Black workers be given the opportunity to meet with senior managers and leaders, for example, drop-in sessions with board members. Your role will be critical to ensure your employer provides the reassurances needed to make staff feel safe to take part and speak openly.
- Encourage Black workers to report all incidents of bullying and harassment to management so that all incidents are documented
- Encourage Black workers to complete the annual staff survey to ensure that survey returns reflect what is actually happening.

Negotiate with your employer

Accountability

- Ask your employer to carry out a risk assessment – bullying and harassment are both risks to the physical and psychological wellbeing of workers, so a risk assessment can be an appropriate way to document the potential threat posed by bullying at work.
- Encourage your employer to set board-led targets for reducing overall bullying and harassment, and specifically reducing racial disparity in those who experience it.

Policies and support

- Check that there is a policy on bullying and harassment at work in place. Is it in line with UNISON’s model dignity at work policy? (you can download that [here](#)). If it isn’t, then negotiate with your employer to improve it.
- Ensure that the employer provides regular training for staff and managers on dealing with bullying and harassment. Particular attention should be paid to training, coaching and mentoring for new line managers to ensure they feel equipped and confident to deal with racial bullying and harassment.
- If your employer has a Freedom to Speak up Guardian or similar role dealing with staff concerns, ensure that the employer provides a clear remit on recognising and acting on race issues.

Promotion and monitoring

- Consider asking the employer to publish anonymised case studies of racial bullying or harassment complaints and how the organisation dealt with them – this can help spread confidence among staff that action will be taken if they report it.
- Ask your employer to ensure that it has a policy and protocols for preventing and dealing with racist behaviour from patients and their visitors/families. The policy needs to be clearly communicated and visible in all work settings, and apply to all groups in the workforce not just clinical staff. And it should have clear guidance and escalation steps for all staff groups to follow on what they should do if they experience or witness this behaviour. Employers have a duty of care to protect staff from all racist abuse.
- Ask the employer to introduce sample follow-up checks with individuals who report bullying and

harassment incidents to see if they feel their issue has been satisfactorily dealt with.

Finally, let us know

- The UNISON health group is keen to hear from branches about their experiences. Have you been able to implement any of the suggested actions? Have rates of bullying and harassment for Black staff reduced or increased? What are Black staff telling you about their experiences? Please email us at health@unison.co.uk